

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **ENERGY AND TELECOMMUNICATIONS**

**Call to Order:** Chairman Jerry W. Black, on March 3, 2009 at 3:00 P.M., in Room 317-A Capitol

#### **ROLL CALL**

**Members Present:**

Sen. Jerry W. Black, Chairman (R)  
Sen. Roy Brown (R)  
Sen. Ron Erickson (D)  
Sen. Kelly Gebhardt (R)  
Sen. Lynda Moss (D)  
Sen. Sharon Stewart-Peregoy (D)

**Members Excused:** Sen. Aubyn Curtiss, Vice Chairman (R)  
Sen. John Esp (R)  
Sen. Bob Hawks (D)  
Sen. Dave Lewis (R)  
Sen. Mitch Tropila (D)

**Members Absent:** None

**Staff Present:** Sonja Nowakowski, Legislative Branch  
Nadine Spencer, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 179, 2/24/2009; HB 207,  
2/24/2009; HB 208, 2/24/2009

Executive Action: HB 179, HB 207, HB 208

**HEARING ON HB 207****Opening Statement by Sponsor:**

00:01:17 Rep. Harry Klock (R), HD 83, opened the hearing on HB 207, Revise renewable portfolio standard for size of community projects.

00:01:30 Sen. Tropila entered the hearing.

00:02:22 Sen. Curtiss entered the hearing.

**Proponents' Testimony:**

00:02:34 John Fitzpatrick, NorthWestern Energy

00:06:06 John Alke, Montana Dakota Utilities

**Opponents' Testimony:**

00:08:06 Suzanne Bessette, Montana Small Independent Renewable Generators (MSIRG)

**EXHIBIT (ens47a01)**

00:11:20 Sen. Lewis entered the hearing.

00:13:28 Chuck Magraw, Renewable Northwest Project (RNP) and Natural Resources Defense Council (NRDC)

00:14:03 Sen. Hawks entered the hearing.

00:17:11 Anne Hedges, Montana Environmental Information Center (MEIC)

**EXHIBIT (ens47a02)**

00:18:54 Sen. Tropila left the hearing.

**Informational Testimony:** None**Questions from Committee Members and Responses:**

00:22:08 Sen. Erickson

00:22:59 Suzanne Bessette

00:24:00 Sen. Erickson

00:24:37 John Fitzpatrick

00:25:33 Sen. Esp entered the hearing.

00:26:45 Sen. Erickson

00:27:15 John Fitzpatrick

00:28:11 Sen. Erickson

00:28:40 John Fitzpatrick

00:29:08 Sen. Erickson

00:29:16 Sen. Brown

00:29:58 Chuck Magraw

00:32:07 Sen. Brown

00:32:43 Chuck Magraw  
00:33:24 Sen. Brown  
00:33:49 Rep. Klock  
00:33:56 Sen. Brown  
00:34:09 Rep. Klock  
00:34:20 Sen. Moss  
00:34:50 Suzanne Bessette  
00:35:21 Sen. Moss  
00:35:33 Suzanne Bessette  
00:35:44 Sen. Moss  
00:36:00 Suzanne Bessette  
00:36:04 Sen. Moss  
00:36:10 Suzanne Bessette  
00:36:17 Sen. Moss  
00:36:34 Suzanne Bessette  
00:36:43 Sen. Moss  
00:36:53 Chairman Black  
00:37:24 John Fitzpatrick

**Closing by Sponsor:**

00:38:04 Rep. Klock

**HEARING ON HB 208**

**Opening Statement by Sponsor:**

00:39:23 Rep. Jesse O'Hara (R), HD 18, opened the hearing on HB 208, Revise renewable portfolio standard for compliance dates for community projects.

**Proponents' Testimony:**

00:40:41 John Fitzpatrick  
00:43:02 John Alke

**Opponents' Testimony:**

00:44:57 Suzanne Bessette  
00:48:11 Anne Hedges

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:49:08 Sen. Hawks  
00:49:52 John Fitzpatrick  
00:49:56 Sen. Hawks  
00:50:18 John Fitzpatrick

00:51:09 Sen. Erickson  
00:51:46 John Alke  
00:51:49 Sen. Erickson  
00:51:56 John Alke  
00:53:01 Sen. Erickson  
00:53:14 John Alke  
00:54:20 Sen. Erickson  
00:54:43 John Alke  
00:55:12 Sen. Erickson  
00:55:15 John Alke

**Closing by Sponsor:**

00:55:32 Rep. O'Hara

**HEARING ON HB 179**

**Opening Statement by Sponsor:**

00:56:03 Rep. Dan Villa (D), HD 86, opened the hearing on HB  
179, Revise renewable portfolio standard.

[EXHIBIT](#) (ens47a03)

**Proponents' Testimony:**

00:57:41 John Fitzpatrick  
00:59:56 Dan Flynn, Phillipsburg

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:00:31 Sen. Erickson  
01:00:56 Rep. Villa  
01:01:14 Sen. Erickson  
01:01:25 John Fitzpatrick  
01:01:44 Sen. Gebhardt  
01:02:23 John Fitzpatrick  
01:03:00 Sen. Esp  
01:03:18 Dan Flynn

**Closing by Sponsor:**

01:04:01 Rep. Villa

**Discussion:**

01:04:23 Sen. Esp  
01:04:33 Sonja Nowakowski

**EXECUTIVE ACTION ON HB 179**

01:05:30 **Motion:** Sen. Gebhardt moved that **HB 179 BE CONCURRED IN.**

01:05:35 **Motion:** Sen. Gebhardt moved that **HB 179 BE AMENDED.**

**Discussion:**

01:05:58 Sen. Erickson  
01:06:14 **Vote:** **MOTION CARRIED** unanimously by voice vote with Sen. Tropila voting by proxy.  
01:06:40 **Motion:** Sen. Gebhardt moved that **HB 179 BE CONCURRED IN AS AMENDED.**

**Discussion:**

01:06:45 Sen. Erickson  
01:06:53 Sen. Gebhardt withdrew the previous motion.

**EXECUTIVE ACTION ON HB 208**

01:07:03 **Motion:** Sen. Gebhardt moved that **HB 208 BE CONCURRED IN.**

**Discussion:**

01:07:32 Sen. Erickson  
01:08:28 **Vote:** **MOTION CARRIED** 6-5 by roll call vote with Sens. Erickson, Hawks, Moss, Stewart-Peregoy and Tropila voting no and Sen. Tropila voting by proxy. Sen. Esp will carry the bill in the Senate.

**EXECUTIVE ACTION ON HB 207**

01:10:00 **Motion:** Sen. Esp moved that **HB 207 BE CONCURRED IN.**

**Discussion:**

01:10:20 Sonja Nowakowski

01:10:44 Sen. Brown

01:10:51 Sonja Nowakowski

01:11:06 Sen. Esp

01:11:14 Sen. Lewis

01:11:32 **Vote:** **MOTION CARRIED** 6-5 by roll call vote with Sens. Erickson, Hawks, Moss, Stewart-Peregoy and Tropila voting no and Sen. Tropila voting by proxy. Sen. Gebhardt will carry the bill in the Senate.

**ADJOURNMENT**

Adjournment: 5:00 P.M.

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Nadine Spencer, Secretary

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Additional Documents:

**EXHIBIT ([ens47aad.pdf](#))**